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**FISCAL IMPACT STATEMENT**

**LS 6610**

**BILL NUMBER:** SB 175

**NOTE PREPARED:** Feb 21, 2005

**BILL AMENDED:** Feb 17, 2005

**SUBJECT:** Home Detention Monitoring Devices.

**FIRST AUTHOR:** Sen. Dillon

**FIRST SPONSOR:** Rep. Neese

**BILL STATUS:** As Passed - Senate

**FUNDS AFFECTED:**     **GENERAL**  
                              **DEDICATED**  
                              **FEDERAL**

**IMPACT:** Local

**Summary of Legislation:** (Amended) This bill has the following provisions:

(A) The bill changes the definition of "monitoring device" to include a device that can:  
    (1) record information 24 hours a day regarding an offender's location;  
    (2) track where an offender has been; and  
    (3) notify the appropriate agency if an offender violates a home detention order.

(B) The bill requires a probation department or community corrections program that monitors an offender on home detention to:  
    (1) maintain constant supervision of the offender; and  
    (2) have staff available at all times to respond if the offender violates a home detention order.

(C) The bill requires a sex offender or violent offender on home detention to use a monitoring device that can determine the offender's precise location.

(D) The bill makes a technical change correcting the definition of "violent offender" for purposes of home detention.

**Effective Date:** July 1, 2005.

**Explanation of State Expenditures:**

### Explanation of State Revenues:

**Explanation of Local Expenditures:** Under current law, an offender sentenced to home detention can be either with or without electronic monitoring. Electronic monitoring, as defined in current statute, is limited to transmitting a radio frequency from the offender's home. The following changes are proposed in this bill that would affect the way that home detention programs are operated.

<u>Provision</u>	<u>Current Law</u>	<u>Proposed</u>
Contract Agency	Not Defined	Agency or company that contracts with community corrections agency or probation department to supervise offenders with monitoring device
Monitoring Device	Limited to determining whether offender is present or absent from home	Can track offenders in locations outside of home; can be a global positioning system satellite service
Supervision of offender	Constant supervision of sex offenders with staff available 24 hours per day to respond to violations	Constant supervision of any offender with staff available 24 hours per day to respond to violations
Contacting Comm. Corr. Agency or Probation Dept. When Home Detention Violation is Detected	Not specified	Contract agency must contact comm. corr. agency or probation dept. <b>within one hour</b> when home detention violation is detected

Currently, several probation departments and community corrections agencies use global positioning satellite services to monitor offenders on home detention. These programs are technically out of compliance with current law, and this bill would allow these programs to continue legally.

This bill could increase the costs for monitoring offenders or it could require probation departments to change the way that offenders are monitored if all offenders on home detention must be monitored constantly. If a probation department or community corrections agency is not adequately staffed to provide constant supervision, then the department or agency would be required to add staff to allow for monitoring and response or provide for more flexible working schedules.

Between CY 2000 and 2003, the trend in the number of offenders on home detention has shown no clear pattern.

<b>Offenders on Home Detention by Calendar Year</b>			
	<b><u>2000</u></b>	<b><u>2001</u></b>	<b><u>2002</u></b>
Adult felons	4,701	2,274	2,655
Adult misdemeanants	1,198	735	1,019
Juvenile felons (if offense committed by an adult)	178	204	261
Juvenile misdemeanants (if offense committed by adult)	146	190	210
<b>Total number of offenders</b>	<b>6,223</b>	<b>3,403</b>	<b>4,145</b>

As an example of the difference in cost, the daily cost of a radio frequency device that monitors offenders in their homes is \$1.30 in Marion County, while the cost of a global positioning satellite system is \$5.00 per day.

**Explanation of Local Revenues:**

**State Agencies Affected:**

**Local Agencies Affected:** Courts, Probation Departments, Community Corrections Agencies.

**Information Sources:** Indiana Home Detention Reports, 2000 - 2001, Brian Barton, President, Indiana Association of Community Corrections Act Counties.

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